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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,472

07/27/2006

Akio Taniguchi

5404/165

5181

757 7590 06/30/2008  
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EXAMINER

MULLIS, JEFFREY C

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,472	<b>Applicant(s)</b> TANIGUCHI ET AL.	
	<b>Examiner</b> Jeffrey C. Mullis	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11-13-06; 7-27-06</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

It is suggested that the word "nationalization" in line 1 of the specification be replaced with "national stage" if this is what is meant for clarity.

Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is objected to since patent claims must be in the form of a single complete sentence and since claim 2 has multiple periods it is apparently in the form of more than one sentence.

The term "powder slash molding" has no art recognized meaning and is not defined by the specification and is therefore unclear.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. (US 2003/0100675).

Goetz et al. discloses a composition containing a flow control agent containing a block copolymer with alkyl acrylate /alkylmethacrylate blocks (examples) in which the blocks may contain anhydride functionality (paragraph 44) and to which may be added a free radically produced epoxy functional acrylate polymer having a molecular weight of as little as 500 (paragraphs 120-122). Applicants' molecular weights are disclosed in paragraph 89.

There are no examples of compositions' in which all of applicants limitations are present in combination. However it would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to arrive at applicants' composition by selecting from the various disclosures of the reference in the expectation of adequate results absent any showing of surprising or unexpected results.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakeda (WO 02092696) in view of Goetz, cited above and either Nakashima et al. (US 6,576,691) or Kawakubo et al. (US 5,976,289).

It is noted that Kakeda '696 corresponds to US 2004/0147674 which will be referred to since it is in English.

Kakeda discloses a composition containing a block copolymer having an acrylic block and a methacrylic block (abstract) containing a reactive group such as carboxyl in applicants amounts in combination with a thermoplastic (paragraph 20) which may include epoxy group containing copolymers (paragraphs 28 and 60). The carboxyl may be converted to anhydride by dehydration in paragraph 185 and would therefore have the structure of applicants claim 2. Compression or blow molding is disclosed in paragraph 302 and production of automotive articles in paragraph 485.

There are no specific examples of compositions in which all of applicants materials are present simultaneously in combination and "powder slash molding" or skin production is not disclosed not are the acrylic copolymer molecular weights of claim 12 disclosed. However it would have been obvious to a practitioner having an ordinary skill in the art

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at the time of the invention to arrive at applicants composition by selecting from the various disclosures of the reference in the expectation of adequate results absent any showing of surprising or unexpected results.

The equivalence of powder slash molding, compression and blow molding is disclosed by Nakashima at column 8, lines 13-20.

Kawakubo discloses the production of a skin for automotive interiors at column 5, lines 20-30 and Figure 9.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to use powder slash molding in the process of Kakeda since Kakeda discloses the use of compression or bloc molding and since Nakashima discloses the equivalence of these methods and powder slash molding for producing articles absent any showing of surprising or unexpected results.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to mold skins from the composition of the primary reference since the primary reference discloses that automotive articles can be produced using their composition and by the disclosure of the secondary reference that automotive skins can be produced by powder slush molding and thus use of such a process in the primary reference would meet the goals of the primary reference absent any showing of surprising or unexpected results.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to use the epoxy acrylic of the primary reference in the form of the molecular weight of 500 of the secondary reference motivated by the need to choose a

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molecular weight for the epoxy containing acrylic of the primary reference in order to use it and by the disclosure of the secondary reference of molecular weights which are useable in a similar composition and therefore workable absent any showing of surprising or unexpected results. Furthermore the teachings of the secondary reference are optional in that it requires only routine experimentation to find the optimum or workable range of result effective variable absent any showing of surprising or unexpected results.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

Jeffrey C. Mullis  
Primary Examiner  
Art Unit 1796

JCM

6-20-08

/Jeffrey C. Mullis/

Primary Examiner, Art Unit 1796